

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-21 are pending and stand rejected.

Claims 1, 9 and 19 are independent claim.

Claims 1, 9 and 19 have been amended.

Claims 1, 3-7, 9-12, 14-17 19 and 21 stand rejected under 35 USC 103(a) as being unpatentable over Peters (USP no. 5, 812, 778) in view of Majeti (USP no. 5, 488, 412).

Claims 2, 8, 13 and 20 stand rejected as being unpatentable over Peters in view of Majeti and further in view of Coddington (USP no. 5, 410, 343).

With regard to the rejection of claims 1, 3-7, 9-12, 14-17 19 and 21 as being unpatentable under 35 USC 103(a) over Peters in view of Majeti, applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, in the interest of advancing the prosecution of this matter, each of the independent claims has been amended to further recite that the keypad has means for initiating a designated function and that the command signal is based on the initiated designated function and the current state of a corresponding display or television device. No new matter has been added. Support for the amendment may be found at least on page 3, line 25-page 4, line 4, which illustrate different means for initiating a designated function (press 7, say channel 7) and current state of the device wherein the activation of "6" may either fast forward or move a cursor right, depending upon the state of the display.

Peters discloses a system wherein a user provides instruction via a keypad on a video phone to a server system and the server system provides an interactive display back to the user on the video phone that provided the initial instructions. Peters discloses that by using a keypad a user may input different numerical and/or alphabetic characters. However, the information or signals associated with each of the different numerical or alphabetic characters is not associated with a state of a corresponding receiving system,

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as is now recited in the claims. Rather, the depression of the key associated with the letters A, B, C or number 2, for example, performs the same designated function (i.e., a letter A or B or C or number 2) and that when a user wants to connect to a VOD such as ZDF, the user dials a service number plus an additional number which is dependent on the abbreviation of the video server name (see col. 5, lines 5-12).

Hence, Peters fails to provide any information regarding using a second communication channel that is independent of the channel used to provide instructions to provide the interactive display back to the user, or of the command signal being based on an initiated designated function and a state of a corresponding receiving system, as is recited in the claims.

Majeti discloses a home controller system that utilizes a cable demodulator tuned to an RF frequency of the channel which carries the data information. The cable demodulator demodulates the RF encoded signals into conventional baseband digital form that are transmitted to a packet receiver that decodes the packets addressed to individual users. When a packet is addressed to a user, the packet receiver transmits the corresponding data such as by an Ethernet transceiver to the user's personal computer. A communication controller may be utilized to provide an interface between the personal computer and the cable demodulator thereby enabling the personal computer to select the channel to which the cable demodulator is tuned.

Majeti is recited for teaching a first communication and a second communication channel (col. 1, lines 22-27) and the Office Action asserts that it would be obvious to combine the second channel of Majeti with the system disclosed by Peters.

However, Majeti fails to provide any disclosure regarding the generation of the command signal, as is now recited in the claims.

A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must

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teach or suggest all the claim limitations

In this case, the combination of Peters and Majeti fails to teach or suggest that the command signal is based on a designated function and a current state of a corresponding receiving system, as is recited in the claims.

In addition, Peters discloses that the signals are returned to the video phone that initiated an operation and the incorporation of a second communication channel in the video phone would cause the cost of the video phone to increase as the use of a second communication would require that additional communication equipments be incorporated into the video phone. Increasing cost is not a feature that would motivate one skilled in the art to incorporate such a feature. Hence, the incorporation of a second, independent, communication channel would be contrary to the teachings of Peters.

Accordingly, the subject matter recited in each of the aforementioned independent claims and the claims dependent therefrom are not rendered obvious by the cited references.

With regard to the rejection of claims 2, 8, 13, 18 and 20 as being unpatentable over Peters in view of Majeti and Coddington, applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

Coddington discloses a system using a public switched telephone network that provides digital video signals from a video information provider or digital service bureau to a subscriber premises. Coddington discloses using an asymmetrical digital subscriber line interface over a local loop to carry the necessary signaling between the subscribers and information providers. Coddington discloses, in Figure 1, the ADSL link 20, 22, between the subscriber and the video provider.

However, Coddington fails to provide any teaching regarding of a command signal based on a designated function and a current state of a corresponding receiving system, as is recited in the claims.

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in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations

In this case, the combination of Peters and Majeti fails to disclose a material element recited in the independent claims and Coddington fails to provide any teaching to correct the deficiency found to exist in Peters and Majeti. Hence, the combination of Peters, Majeti and Coddington fails to teach all the elements recited in the independent claims.

With regard to the aforementioned claims, these claims are also allowable as the combination of the cited references fails to teach all the elements recited in the claims.

For the amendments made to the claims and for the remarks made herein, applicant submits that all the objections and rejections have been overcome and that the claims are in a condition for allowance. It is respectfully requested that a Notice of Allowance be issued.

Should the Examiner believe that the disposition of any issues arising from this response may be best resolved by a telephone call, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Respectfully submitted,

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